

REMARKS

In response to the Final Office Action mailed on January 24, 2007, Applicants respectfully request reconsideration based on the following remarks. Claims 1-29 are presently pending in the instant application. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-29 stand rejected under 35 U.S.C. § 103(b) as being unpatentable over Keltcher U.S. Patent 6,134,494 hereinafter referred to as "Keltcher", further in view of Luick U.S. Patent No. 7,099,999, hereinafter referred to as "Luick".

Claims 11, and 24-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Keltcher, further in view of Luick, as applied to Claim 1, and further in view of Dean U.S. Patent No. 5,544,342, hereinafter referred to as "Dean".

The rejections are traversed for the following reasons. This application was filed after November 29, 1999 entitling this application to the benefits of 35 U.S.C. § 103(c). Applicants assert that the subject matter of this application and Luick were, at the time of the invention of the subject matter of this application, owned by the same party or subject to an obligation of assignment to the same party, namely International Business Machines Corporation. Accordingly, under 35 U.S.C. § 103(c), Applicants respectfully submit that Luick cannot be applied as prior art against this application, and thus the rejections of Claims 1- 29 are improper and should be withdrawn.

Conclusion

Allowance of the claims is respectfully requested in view of the above remarks. Moreover, no amendments have been presented that alter the scope of the claimed invention, and therefore cannot necessitate a new grounds rejection.

It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to Applicants. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 50-0510 maintained by Applicants' attorneys.

Respectfully submitted,
PETER A. FRANASZEK, ET AL.

CANTOR COLBURN LLP
Applicants' Attorneys

By: 

Anne Davis Barry
Registration No. 47,408
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 48915

Date: March 22, 2007